REMARKS

Applicant has carefully reviewed the Office Action dated October 19, 2007. Applicant has amended Claims 1 and 11 to more clearly point out the present inventive concept. Claims 6 and 7 have been cancelled. Reconsideration and favorable action is respectfully requested.

Claims 1-3 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bueno* in view of *Claus et al.* This rejection is respectfully traversed with respect to the amended claims.

Claim 1, as amended, specifies a biometric data reader mounted on the shell of the tag holder and communicably connected to a processor to receive input biometric data. Stored biometric data stored on the identification card is compared to the input biometric data to generate a biometric verification signal. Neither *Bueno* nor *Claus et al* teach or suggest these features. *Cudlitz,* cited in the rejection of Claims 4, 6-7 and 9, teaches a battery powered interactive identification card that uses an individual's fingerprint or other biometric for activation. *Cudlitz* does not teach or suggest a remote identification tag holder for reading a passive identification tag, the holder including a biometric sensor mounted on the shell of the holder. Claim 1 and the system of Claim 11 are directed to a tag holder and system for use with passive identification tags such that the user is not required to carry a powered device having a built-in biometric sensor. Consequently one would not be motivated to combine the references as proposed.

Further, Claims 1 and 11, as amended, specify devices operable to read fixed identification data from a plurality of passive identification tags. The fixed identification data is not altered during the read operation. Thus, not only is the identification tag holder operable to read the fixed data from a plurality of identification tags, the identification tag is able to be read by different identification tag holders without having the fixed identification data altered.

The *Bueno* reference utilizes a smart card having a card number and also having stored thereon a count value as part of the "Card Contents Universal Identifier ("CCUI"). A card reader stores the count value in a memory when the card is read by the card reader. The card reader then increments the count value in the smart card. The purpose of this is to ensure that the smart card that was initially read by that reader is the same card that is currently being read by that reader.

Claus et al was cited for disclosing fixed identification information on a card. However, *Bueno* specifically teaches changing the identification information (CCUI) to prevent fraud. Thus, the proposed modification is contrary to *Bueno's* teaching and changes the principle of *Bueno's* operation. (See MPEP 2143(VI) "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.") Thus, applicant submits that Claim 1, along with dependent Claims 2, 3, 6, and 8-10 are allowable.

Claims 11-12 and 14-20 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Bueno* in view of *Burger* in further view of *Dulude*. Applicant respectfully traverses the rejection.

As noted above, *Bueno* requires changing identification data on a smart card to prevent fraud. *Bueno* does not teach or suggest a tag holder or system wherein the identification data remains fixed during multiple reads of the tag. Further, *Bueno* does not disclose a remote identification tag component having an identification tag read for reading the identification information from an identification tag and a biometric input independent of the identification tag. *Burger* does not cure the deficiencies of *Bueno*.

Burger teaches a handheld card reader that incorporates a fingerprint sensor. A processor on the handheld card reader compares a scanned fingerprint to information stored on a smart card. During the scan and compare operation, no transmissions may be sent or received by the handheld scanner. Upon completion of the comparison operation, a visual or audible signal is emitted to indicate whether or not the scanned fingerprint matched the information stored on the smart card.

Burger specifically teaches that the handheld reader is self-contained or stand-alone, and that the identification data and biometric data *should not* be transmitted. *Burger* states:

> The comparison of the fingerprint scanned at the scanner 16 with the data on the chip 20 of the smart card 14 is done immediately on board the reader 12. *There is no communication, whether by wire or wirelessly, to or from a remote location central processing unit (CPU) or any other device for authentication.* No information is permitted into the reader during the comparison step. This obviates the need for encumbering the on-site authentication with unnecessary data in the CPU and prevents hacking or sniffing of the information being compared. (Column 5, line 66).

The combination of *Burger* and *Bueno* fails to teach a transmitter transmitting identification data and a hash to a location receiver, the location receiver sending the received identification data and hash to a location processor and where the location processor processes the received identification data and compares it to a replicated hash (Claim 11). Neither *Burger* nor *Bueno*, taken singularly or in combination, teaches the occurrence of any processor operation at a location separate from the reader; nor the transmission of both identification data and a hash of biometric data. The additional combination with *Dulude* does not cure the deficiencies of the *Bueno-Burger* combination. Thus, Applicant submits that submits that independent Claim 11 along with dependent Claims 12-20 are allowable over the art of record.

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Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/SVSN-26,380 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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April 21, 2008

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